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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,543	09/13/2004	Preben Almind	GRP-0079	6725
23413	7590	12/11/2007		
CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			EXAMINER GORDON, STEPHEN T	
			ART UNIT 3612	PAPER NUMBER
			MAIL DATE 12/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/507,543

Applicant(s)

ALMIND, PREBEN

Examiner

Stephen Gordon

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 24-26 and 30-46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 and 27-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9-13-04</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 24-26 and 30-46 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention. Applicant timely traversed the restriction (election) requirement in the reply filed on 9-20-07.
2. Applicant's election with traverse of group I and the species of figure 2 in the reply filed on 9-20-07 is acknowledged. The traversal is on the ground(s) that as no lack of unity was set forth in the international phase of the PCT filing, no such lack of unity should be set forth in the instant application. This is not found persuasive because absence of lack of unity type restriction in a parent PCT filing does preclude the making of such requirement in the 371 stage filing. The defined inventions are deemed to lack unity for the reasons set forth in detail in the last office action.

The requirement is still deemed proper and is therefore made FINAL.

3. It is requested that applicant cancel at least non-elected claims 30-46 in response to this action to facilitate the issue process if the application is ultimately allowed.
4. The disclosure is objected to because of the following informalities: paragraph 55 – line 8, “pin 94” should be –pin 193--.

Appropriate correction is required.

5. Claims 1-23 and 27-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, "the other module" lacks clear antecedent basis and is generally confusing.

Claim 5, "the modules" lacks clear antecedent basis. The term "the top of another" is confusing and not understood.

Claim 6, "the module" lacks clear antecedent basis.

Claim 9, "the telescoping column" used throughout the claim lacks antecedent basis.

Claim 10, the recited plurality of telescoping columns is confusing as it is not clear how such columns are interrelated with the other recited elements.

Claim 11, "the telescoping column" used throughout the claim lacks antecedent basis.

Claim 12, "the telescoping column" and "the column" lack clear antecedent basis.

Claim 13, "the telescoping column" lacks antecedent basis.

Claim 14, "the telescoping column" used throughout the claim lacks antecedent basis.

Claim 15, "the module" lacks clear antecedent basis.

Claim 16, "the module" and "the wind turbine blade" lack clear antecedent basis.

Claim 17, "the wind turbine blade" lacks clear antecedent basis.

Claim 18, "the turbine blade", "the extendable container", and "the wind turbine blade" lack clear antecedent basis.

Claim 20, "the loop shaped slings" and "the tip" lack antecedent basis.

Claim 27, "the module" lacks clear antecedent basis.

Claim 28, "the module" lacks clear antecedent basis.

Claim 29, "the module" lacks clear antecedent basis.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-6, 15-16, 19, 21-22, 27, and 29, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Sain et al '291.

Sain et al teaches a container system which could be used to transport turbine blades including a 40 foot ISO container (figure 3) defining a module which is connected to other containers/modules. The module/container is deemed to define a box shaped frame and is illustrated with corrugated side walls as is common in the art for most ISO type containers.

Claim 1, the apertured ISO corner fittings define connecting members as broadly claimed.

Claim 2, the device defines multiple modules as broadly claimed and as best understood - see figure 3 etc.

Claim 3, the device is configured as broadly claimed and as best understood - see 40 foot container in figure 3 defining the standard module.

Claim 4, the device is configured as broadly claimed and as best understood - see 40 foot container in figure 3 defining the extension module.

Claims 5-6, 21, 27, and 29, the device is configured as broadly claimed and as best understood.

Claim 15, the end structures of the module could be used to attach a blade root end and define a fitting as broadly claimed and as best understood.

Claim 16, the blade could be tilted and attached to the module end structures, and the device is deemed configured as broadly claimed and as best understood.

Claim 19, the end structures of the module could be used to attach a blade tip and define a holder as broadly claimed and as best understood.

Claim 22, the bottom ISO corner fitting lower aperture defines a drainage hole as broadly claimed.

8. Claims 1, 6, 7, 21, and 23, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Ramsay et al '674.

Ramsay et al teaches an extendable container which could be used to transport a turbine blade including a module 30+ attachable to other modules and defining a box shaped frame with corrugated/ribbed sidewalls. The module/container has end connecting members for attachment to another module – see figure 6 etc.

Claims 7 and 23, the ribbed top and bottom sections define corrugated roof and floor sections as broadly claimed and as best understood.

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 28, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Sain et al. '291.

Sain et al. teaches all of the claimed features as discussed above regarding claim 1 but fails to specifically teach use of an externally mounted ladder.

Use of ladders per se on external sides of cargo enclosing structures is notoriously well known in the art

In order to allow better access to the container/module roof to facilitate container attachment or maintenance, it would have been obvious to one of ordinary skill in the art to provide an externally mounted roof access ladder for the container of Sain et al. in view of known art practices.

11. Claims 1, 6, and 8-14, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Betjemann '600.

Betjemann teaches a container module which could be attached to another module and used to transport a turbine blade as broadly claimed and as best understood. The device includes a box shaped frame and standard ISO apertured corner fittings at each end which define connecting members.

Claim 1, Betjemann teaches an open framework sidewall construction and fails to teach use of corrugated sidewalls.

Use of corrugated sidewalls for ISO containers is notoriously well known in the art, and such sidewalls are employed in the majority of ISO containers currently in use.

In order to better protect handled cargo from damage, it would have been obvious to one of ordinary skill in the art to fit the open sidewalls of Betjemann with corrugated side sheets in view of known art practices.

Claim 6, the top sections of the ISO corner castings define a roof as broadly claimed and as best understood.

Claim 8, note telescoping columns 23B+.

Claims 9-11 and 13, the device is configured as broadly claimed and as best understood.

Claim 12, the sliding surfaces define a slider as best understood and as broadly claimed.

Claim 14, note stop holes 33.

12. Claims 17, 18, and 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gordon whose telephone number is (571) 272-6661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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 12/4/07  
Stephen Gordon  
Primary Examiner  
Art Unit 3612

stg